REMARKS/ARGUMENTS

Status of Claims

Claims 1-32 were pending in this application before the present response. In the Office Action dated January 10, 2008, claims 1-4, 9-11, 14, 19-26, 29, and 31-32 stand rejected under 35 U.S.C. § 102(e). Claims 5-8, 12, 13, 15-18, 27, 28, and 30 stand rejected under 35 U.S.C. § 103(a).

Independent claims 1, 19, 31, and 32 are amended herein. The changes are supported at least by paragraphs [42] and [46] and by claim 17 of the specification as filed. Thus, no new matter is introduced by these amendments. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicants' invention.

Claims 1-32 are now pending in this application. Applicants respectfully request reconsideration and allowance of all pending claims, in view of the following remarks.

Claim Objection

As suggested by the Examiner, claim 19 is amended to change the phrase "measuring actual time" to "measuring an actual playback time", in order to clarify the antecedent basis of the term "the actual playback time". Claim 31 has been similarly amended. Applicants respectfully request withdrawal of the objection.

Claim Rejection – 35 U.S.C. § 102

Claims 1-4, 9-11, 14, 19-26, 29, and 31-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Harada (US 2007/0198859). Applicants respectfully traverse in part and amend in part.

Applicants have amended independent claims 1, 19, 31, and 32 to partly incorporate the subject matter of claim 17. For example, independent claims 1, 19, 31, and 32, as amended, recite measuring an actual cumulative or playback time "based on monitoring the rate at which a requesting process makes requests for

decryption of the electronic presentation." This is a feature that is not anticipated, either expressly or inherently, in Harada.

Harada merely discloses usage condition information that has information that limits an accumulated amount of time that a decrypted content is played back. (See, e.g., Harada at [0075]). As the Office Action acknowledges on page 15, item 7: "Harada . . . does not further disclose: determining whether a mode is being used by monitoring the rate at which a requesting process makes requests for decryption."

Applicants therefore submit that independent claims 1, 19, 31, and 32, as amended, are not anticipated by Harada and respectfully request that the rejection of claims 1, 19, 31, and 32 under 35 U.S.C. § 102(e) should be withdrawn.

Further, Applicant respectfully submits that none of the cited references, alone or in any combination, disclose measuring an actual cumulative or playback time "based on monitoring the rate at which a requesting process makes requests for decryption of the electronic presentation," as recited by amended independent claims 1, 19, 31, and 32. For at least the reasons set forth above and the further reasons discussed below (with regard to the Office Action's rejection of claim 17), Applicants respectfully request that independent claims 1, 19, 31, and 32, as amended, be passed to allowance.

Dependent claims 2-4, 9-11, and 14 depend from and include all the limitations of independent claim 1. Dependent claims 20-26 and 29 depend from and include all the limitations of independent claim 19. Therefore, Applicants respectfully request withdrawal of the rejection of dependent claims 2-4, 9-11, 14, 20-26, and 29 under 35 U.S.C. § 102(e).

Claim Rejection – 35 U.S.C. § 103

Claims 5-8, 12, 13, 15-18, 27, 28, and 30 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully submit that independent claims 1 and 19, as amended, are patentable, and that claims 5-8, 12, 13, 15-18, 27, 28, and 30 are patentable at least because they each depend from a patentable base claim.

In light of the fact that the amended independent claims partly incorporate limitations from claim 17, Applicants submit that independent claims 1, 19, 31, and 32, as amended, are patentable over the Examiner's proposed combination of Harada in view of U.S. Pat. No. 6,609,253 (Swix), and further in view of U.S. Pat. No.

6,020,912 (De Lang), which is discussed in the Office Action at pages 15-16, in connection with claim 17.

The Office Action (at page 15, item 7) states regarding claim 17 that "Harada in view of Yamato [*sic*] does not further disclose: determining whether a mode is being used by monitoring the rate at which a requesting process makes requests for decryption." There being no citation to any "Yamato" reference in the record, it is assumed by Applicant that the intended reference was Swix.

Applicants agree with the Examiner that both Harada and Swix fail to disclose the claimed feature. However, the Office Action appears to rely upon De Lang for disclosure of the claimed feature. Applicants respectfully traverse the Office Action's characterization of De Lang as disclosing "determining whether a mode is being used by monitoring the rate at which a requesting process makes requests for decryption."

The Office Action cites a portion of De Lang as disclosing that "the playback device monitors the **price rate** of the decryption request to determine which playback modes are allowed to be used" (emphasis added). Applicants respectfully submit that monitoring a **price rate** does not disclose or teach, and is not analogous to, the Applicants' claimed feature of measuring an actual cumulative or playback time "based on monitoring the **rate at which a requesting process makes requests for decryption** of the electronic presentation" (emphasis added), as recited in the amended independent claims 1, 19, 31, and 32.

De Lang is directed to a video-on-demand system for transmitting a selected television signal along with means for playing back the television signal in one of a plurality of playback modes. The playback modes are defined by operating data. For example, a television program interrupted by commercials may be provided with operating data rendering fast display possible. Such operating data is selectable by a user and a higher price may be charged for such television programs. See De Lang, abstract, col. 1, lines 1-10 and 40-60. Thus, Applicant's "rate at which a requesting process makes requests for decryption" cannot be equated to De Lang's price rate.

The **price** that is disclosed in De Lang is neither a speed rate nor a timing rate, but merely a monetary price; that is, an "amount to be charged" (col. 1., lines 57-58). Nowhere does De Lang use the word "rate" to describe this price.

Further, Applicants' independent claims, as amended, recite "**monitoring** the rate at which a requesting process makes requests for decryption" (emphasis added). At most, De Lang discloses user selectable operating data, where the operating data

define various user interfaces (playback modes), each set of operating data being downloadable at different prices. See De Lang, abstract and col. 1, lines 54-60. De Lang fails to disclose determining whether a playback mode is being operated by "monitor[ing] the price rate" (Office Action, p. 16). Contrary to the implication in the Office Action, De Lang does not disclose or teach determining "whether a mode is being used" by "monitor[ing] the price rate" (Office Action, p. 16); rather, De Lang merely discloses that certain "available playback modi" [*sic*] may be offered at certain prices (col. 1, line 34-64).

Further, Applicants respectfully submit that none of the cited references, alone or in any combination, disclose measuring an actual cumulative or playback time "based on monitoring the rate at which a requesting process makes requests for decryption of the electronic presentation," as recited by amended independent claims 1, 19, 31, and 32. Accordingly, Applicants respectfully submit that independent claims 1, 19, 31, and 32, as amended, are patentable over the cited art and should be passed to allowance. Dependent claims 2-4, 9-11, and 14 depend from and include all the limitations of independent claim 1. Dependent claims 20-26 and 29 depend from and include all the limitations of independent claim 19. Therefore, Applicants respectfully request reconsideration of dependent claims 2-4, 9-11, 14, 20-26, and 29 and requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing discussion, the Applicants believe that claims 1-32 are allowable over the cited art. The Applicants respectfully submit that all pending claims are in full condition for allowance, and earnestly request that the Examiner withdraw all objections and rejections of the claims and enter a Notice of Allowance at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Respectfully submitted,
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